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October 29, 2009

Honorable Ron Clark
United States District Court
Eastern District of Texas
300 Willow Street, Suite 221
Beaumont, Texas 77701

Re: Cause No. 9:09-cv-144; *Deep Nines, Inc. vs. Fortinet, Inc.*
Matter No. 10909212

Dear Judge Clark:

The parties in the above-referenced civil action have engaged and continue to engage in discussions in an attempt to resolve the matter without Court intervention. This is the reason Plaintiff has yet to officially serve the civil action. We felt it appropriate to advise the Court what was happening in light of the fact service had not occurred. Should the Court have any questions or comments, please do not hesitate to contact me. Thank you.

Respectfully submitted,

Brett C. Govett

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BCG/sh

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